

## Preliminary Discussion for Part 13 – Fees

### Stormwater Management Code Sections Applicable to Fees

#### Code of Virginia (§10.1-603.4)

The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for stormwater management programs in Virginia. The regulations shall:

5. Establish, with the concurrence of the Director, a statewide permit fee schedule for stormwater management related to land disturbing activities of one acre or greater. The fee schedule shall also include a provision for a reduced fee for land disturbing activities between 2,500 square feet and up to 1 acre in Chesapeake Bay Preservation Act (§ [10.1-2100](#) et seq.) localities. The regulations shall be governed by the following:

a. The revenue generated from the statewide stormwater permit fee shall be collected and remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § [10.1-603.4:1](#). However, whenever the Board has delegated a stormwater management program to a locality or is required to do so under this article, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected within the locality shall be remitted to the State Treasurer, for deposit in the Virginia Stormwater Management Fund.

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department; however, the fees shall be set at a level sufficient for the Department to carry out its responsibilities under this article.

9. Establish, with the concurrence of the Director, a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits.

### Preliminary Questions

#### Fee schedule for stormwater management related to land disturbing activities

1. Are fees that are established statewide Fees or perhaps regional fees? Pros and cons?

		Present	New
2. One set fee for:	$\geq 2,500$ sq. feet < 1 acre	\$0	?
	$\geq 1$ acre < 5 acres	\$300	?
	$\geq 5$ acres	\$500	?

3. Should we consider a variable fee allowing for disturbed acreage with a base fee plus an additional fee per acre (example for 10 acres: \$250 + \$50 (per acre) = \$750 total fee)?

4. How do we set fees at a level sufficient to cover program implementation per §10.1-603.4.5? - Need to address 70/30 split as well as “the fees shall be set at a level sufficient for the Department to carry out its responsibilities under this article”.

5. Can localities prepare true cost estimates for the TAC's consideration? Does program costs include all costs associated with implementation and administration of program?
  - Fee collection, tracking, payment, distribution, reporting
  - Plan submission, tracking, reviews, approval
  - Permit issuance, tracking, fees paid, reporting
  - Inspections, staff, time required to inspect (ESC versus permit), inspection intervals, tracking, reporting
  - Enforcement, staff, mechanisms (reports, fines, etc.), time involved to take enforcement actions
  - Fines – payment, tracking, use of fines for restoration or program expenses
  - Staff gear, supplies, computers, cars, equipment, overhead
  - Staff training, conferences, etc.
6. What does the statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits need to be?
7. What fees are currently being charged by localities for E&S, Stormwater or related issues? For what? How do we integrate the construction permit fee into those?
8. What is the current authority being utilized by localities to assess stormwater fees? Is anyone utilizing § 10.1-603.10. Recovery of administrative costs. (For contingent repeal, see Editor's note)?

“Any locality which administers a stormwater management program may charge applicants a reasonable fee to defray the cost of program administration, including costs associated with plan review, issuance of permits, periodic inspection for compliance with approved plans, and necessary enforcement, provided that charges for such costs are not made under any other law, ordinance or program. The fee shall not exceed an amount commensurate with the services rendered and expenses incurred or \$1,000, whichever is less.”
9. If we were to survey localities through VACO and VML on this issue, what key questions should we be asking localities to assist the TAC in addressing the fee question?
10. How to do we deal with a permit at the end of 5 years for a project that has not been terminated (does it require a new permit of \$500)?
11. Should fees be based on type of project; agricultural, residential commercial, industrial?
12. Should the fee structure incentivize LID better site design use?